

Message Text

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ACTION EA-09

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FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 3655

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EO 11652: GDS

TAGS: MMOL MILI PFOR TH US

SUBJ: U.S. RESIDUAL ACTIVITIES IN THAILAND: CHIANG MAI, ICS AIT

REF: (A) STATE 232967; (B) STATE 233087; (C) BANGKOK 26029;

(D) STATE 212652 (E) STATE 224165

SUMMARY. USG AND RTG NEGOTIATORS HAVE REACHED AGREEMENT ON CHIANG MAI AND ARE NEAR FINAL AGREEMENT ON ICS. AGREEMENTS STILL TO BE REVIEWED BY PM AND MFA. END SUMMARY.

1. CHIANG MAI SEISMIC RESEARCH STATION. NEGOTIATING TEAMS HAVE REACHED FULL AGREEMENT ON WORDING OF BOTH MEMORANDUM OF AGREEMENT AND MEMORANDUM OF UNDERSTANDING AND ON COMMUNICATIONS SUPPORT BETWEEN CHIANG MAI AND BANGKOK. DEPARTMENT HAS AUTHORIZED SIGNATURE (SEE STATE 215863), BUT WE ARE WAITING FOR RTG APPROVAL OF TEXTS. AS INDICATED IN BANGKOK 26029, IT NOW SEEMS CLEAR THAT AGREEMENTS REACHED BY NEGOTIATING TEAMS MUST BE REVIEWED/APPROVED BY PRIME MINISTER'S OFFICE AND MFA. WE DO NOT RPT NOT ANTICIPATE THAT CHIANG MAI AGREEMENT WILL PRESENT ANY PROBLEM IN THIS REGARD, ALTHOUGH RTG MAY DELAY FINAL APPROVAL ON ANY ONE AGREEMENT UNTIL NEGOTIATIONS HAVE BEEN COMPLETED ON ALL THREE SUBJECT (I.E., ICS AND AIT AS WELL AS CHIANG HAI).

2. ICS. NEGOTIATIONS ON ICS ARE NEAR COMPLETION. OUTSTANDING

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ITEMS IN MISSION JUDGMENT ARE NOT RPT NOT MAJOR STUMBLING

BLOCKS. CONCERNING THE BAILMENT AGREEMENT, THE FOLLOWING SECTIONS ARE STILL UNDER DISCUSSION.

(A) PARA 3. RTARF REQUESTED DELETION SINCE PARA 9 MOA AND PARA 2 BAILMENT AGREEMENT STIPULATE THREE YEAR PERIOD. JUSMAG BELIEVES 90 DAY CLAUSE SHOULD REMAIN, AS CONDITIONS MAY CHANGE DURING THREEYEAR PERIOD WHICH MIGHT REQUIRE TERMINATION OF ARRANGEMENT. EMBASSY DOES NOT CONSIDER 90 DAY CLAUSE CRUCIAL AND SUSPECTS INCLUSION MAY PRESENT OPTION WHICH RTG IS MORE LIKELY TO EXERCISE THAN USG.

(B) PARA 7. THE RTARF RECOMMENDS AND MISSION CONCURS WITH ADDITION OF FOLLOWING STATEMENT: QUOTE THE RTARS SHALL NOT BE REQUIRED TO COMPENSATE THE USG FOR LOSS OR DAMAGE TO THE PROPERTY AS A RESULT OF NATURAL DISASTER. END QUOTE.

(C) PARA 9. RTARF REQUESTED MORE SPECIFIC WORDING REGARDING THE LIMITS OF RTG LIABILITY FOR PCH&T CHARGES. JUSMAG SUGGESTS THE FOLLOWING WORDING FOR PARA 9: QUOTE ON OR BEFORE THE LAST DAY OF THE TERM OF THIS AGREEMENT RTARF SHALL RETURN THE PROPERTY TO THE USG AT THE ORIGINAL LOCATIONS OR AT SUCH OTHER PLACE(S) AS MAY BE MUTUALLY AGREED. RTARF SHALL BE RESPONSIBLE FOR OR REIMBURSE THE USG PROMPTLY, UPON PRESENTATION OF A STATEMENT THEREOF, FOR ALL PACKING, CRATING, HANDLING AND TRANSPORTATION (PCH&T) INVOLVING THE BAILED PROPERTY. RTARF RESPONSIBILITY FOR RETURN PCH&T CHARGES SHALL NOT EXCEED THE AMOUNT OF PCH&T WHICH WOULD BE REQUIRED TO RETURN THE PROPERTY TO ITS ORIGINAL LOCATION AT THE TIME OF TRANSFER UNDER THIS AGREEMENT. END QUOTE.

(D) PARA 14. RECENT CONVERSATIONS WITH RTG OFFICIALS, BOTH CIVILIAN AND MILITARY, REINFORCE OUR STRONG RESERVATIONS OVER INSERTING NEW PARA 7 (STATE 212652) IN ICS MOA. MISSION THEREFORE

RECOMMENDS THAT PARA 14 SHOULD BE RETAINED IN THE FOLLOWING FORM: QUOTE THE CHIANG MAI/BANGKOK LINK OF THE ICS WILL BE MAINTAINED IN ACCORDANCE WITH CCITT. END QUOTE.

3. ICS MEMORANDUM OF AGREEMENT. THERE IS ESSENTIAL AGREEMENT HERE. RTARF NEGOTIATORS REQUESTED DELETION IN PARA 6 OF SENTENCE PER-
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TAINING TO CCITT STANDARDS IF PARA 14 OF BAILMENT AGREEMENT IS DELETED. AS NOTED IN PARA 2(D) ABOVE, MISSION RECOMMENDS PARA 14 BE RETAINED. WE SUGGEST, THEREFORE, THAT PARA 6 OF MOA BE RETAINED AS IS.

4. REGARDING AIT, EMBASSY APPRECIATES DEPT'S PROMPT RESPONSE (REF B) WHICH WILL BE USEFUL IN PRESSURING RTG FOR FINAL AGREEMENT ON AIT AND PROMPT SIGNING OF FMS AGREEMENT.

5. WOULD APPRECIATE DEPT COMMENTS ON PARA 2 SO WE MAY PRESS FOR
EARLY CLEARING OF ICS FROM NEGOTIATING TABLE.
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